



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

B. Holly Schadler, Esquire
Lichtman, Trister & Ross, PLLC
1666 Connecticut Avenue, N.W., Suite 500
Washington, D.C. 20009

JAN 31 2005

RE: 5634
Sierra Club – Florida Chapter
Sierra Club

Dear Ms. Schadler:

The letter dated January 25, 2005, granting an extension to respond to the complaint filed in the above-noted matter, contains an error. It states that your response to the complaint is due on January 5, 2005. Please disregard the January 25, 2005, letter.

This letter is in response to your letter dated January 13, 2005, which we received on January 14, 2005, requesting an extension until February 14, 2005. After considering the circumstances presented in your letter, the Office of General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on February 14, 2005.

I apologize for any inconvenience. If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Alva E. Smith".

Alva E. Smith, Paralegal
Complaints Examination &
Legal Administration

26044150947

election. There is no factual or legal basis for pursuing this complaint and we respectfully request that it be dismissed with no further action.

For decades Sierra Club has advanced its mission to protect the environment through lobbying Members of Congress and the President to strengthen laws and regulations to reduce pollution and protect wild areas. This lobbying may involve visits to policymakers to discuss specific issues, but more frequently Sierra Club reaches out to members of the general public to educate them about the positions of individual lawmakers and to ask them to contact these lawmakers with specific messages. Two examples of these grassroots lobbying pieces are included in Mr. Hamburger's package. The first is a message regarding President Bush's record on air and water pollution with a specific reference to the threat of mercury from power plants. The Sierra Club asks recipients to contact Mr. Bush and tell him "to stand up to corporate polluters." Another piece provides information on Senator Kerry's positions on particular environmental issues and asks the recipient to contact his Senate office to encourage the Senator to continue fighting for legislation and government regulation to remove mercury from the water. Contrary to Mr. Hamburger's allegation, these pieces do not advocate in any manner the election or defeat of any candidate.

The other two pieces are voter guides specifically permitted under the Federal Election Commission's regulations at Section 114.4(c)(5). *See* Explanation and Justification for 11 C.F.R. §114.5, 60 Federal Register 64269, Dec. 14, 1995 ("Revised Section 114.4(c)(5) begins by explaining that voter guides consist of candidates' positions on the campaign issues, and may include biographical information on the candidates. Voter guides are similar to candidate debates in that they include at least two candidates in the same election. However, no particular format is required for either type of voter guide.")

The Sierra Club's guides describe the records and positions of the two Presidential candidates, and in one case the Senate candidates running in Florida, and encourage the recipients to find out more about the candidates before voting. The pieces provide a brief description of the issues and citations to the original sources relied upon regarding the candidates' positions in the event that recipients would like to conduct additional research. Each candidate is credited with his or her positions that, in the view of the Sierra Club, promote or detract from environmental protection. Recipients are left to make their own judgments on the candidates and whose positions they favor.

Based on the forgoing, this complaint should be dismissed immediately with no further action.

Very truly yours,



B. Holly Schadler
Counsel to Respondent

26044150950